

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2009

Date filed: March 1, 2010

Name of company(s) covered by this certification: Switch & Data Facilities Company, Inc.

Form 499 Filer ID: 825066

Name of signatory: Clayton Mynard

Title of signatory: Vice President and General Counsel


I, Clayton Mynard, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

Signed

  
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Clayton Mynard, Vice President and General Counsel  
Switch & Data Facilities Company, Inc.

**Switch & Data Facilities Company, Inc.**  
**Statement of CPNI Operating Procedures**

Switch & Data Facilities Company, Inc. ("Switch & Data") provides non-telecommunications collocation services. Switch & Data also provides a single discrete high-capacity Ethernet service between New York and Canada to less than ten enterprise customers.

Switch & Data has established policies and procedures to comply with the Federal Communications Commission's ("FCC") rules regarding the use, disclosure, and access to section 64.2001 et seq. of the Commission's rules, 47 C.F.R. § 64.2001 et seq. These procedures ensure that Switch & Data is in compliance with the FCC's customer proprietary network information ("CPNI") rules. This statement is a summary of Switch & Data's policies and procedures designed to safeguard CPNI.

Switch & Data's primary business is collocation and security is a substantial aspect of Switch & Data's services. Therefore, Switch & Data has substantial processes and controls for both physical security and access to data. All customers are provided services under contracts with express confidentiality provisions, and have dedicated account representatives with access to customer data. Switch & Data does maintain and utilize CPNI for the limited purposes of initiating, rendering, billing, and collecting of its services, and may use CPNI, if necessary, to protect its property rights. Switch & Data does not use any CPNI for any marketing purposes. Nor does Switch & Data disclose CPNI or permit access to such CPNI to any third parties other than as necessary to provide service.

Switch & Data trains its personnel in the use of CPNI. Switch & Data has an express disciplinary process in place for any improper use of CPNI.

Switch & Data has implemented measures to discover and to protect against unauthorized attempts to access CPNI. Switch & Data also has implemented procedures pursuant to which it will track breaches of CPNI, and it will notify the United States Secret Service and the Federal Bureau of Investigation. Switch & Data will notify its customers (if permitted) of the security breach, and will notify of the breaches and notifications for a two-year period.

Switch & Data will track customer complaints regarding CPNI.

Switch & Data will submit an annual CPNI certification to the FCC from an officer with personal knowledge of the policies and procedures that it has implemented to safeguard CPNI.

## DECLARATION OF CLAYTON MYNARD

I, Clayton Mynard, am over the age of 18, do hereby declare:

1. I am the Vice President and General Counsel of Switch & Data Facilities Company, Inc. My business address is 1715 N. Westshore Blvd., Suite 650, Tampa, FL 33607.
2. I have personal knowledge of the information stated in the attached response. I declare under penalty of perjury that the information contained in the attached letter is true and correct.

Executed on March 1, 2010.



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Clayton Mynard  
Vice President and General Counsel  
Switch & Data Facilities Company, Inc.